

ESTTA Tracking number: **ESTTA75857**

Filing date: **04/12/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91165809
Party	Defendant Nalge Nunc International Corporation Nalge Nunc International Corporation 75 Panorama Creek Drive Rochester, NY 146020365
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Date	04/12/2006
Attachments	Stipulation Suspension Testimony Periods.pdf (3 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF:

TriForest Enterprises, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91165809
)	Application No.:76/572,253
Nalge Nunc International Corporation,)	Mark: plastic water bottle (design only)
)	
Applicant.)	
)	

STIPULATION FOR SUSPENSION OF
ALL TESTIMONY PERIODS

The parties hereby stipulate to suspend all testimony periods pursuant to 37 C.F.R. 2.117 until the Trademark Trial and Appeal Board has ruled on the Applicant's outstanding Motion to Compel, filed March 29, 2006, and the Opposer's outstanding Motion for Summary Judgment, file April 4, 2006. Pursuant to this stipulation, the parties agree that Opposer's Testimony Period may end thirty (30) days after the date of the Board's order ruling on the later of these two motions, and that the subsequent Applicant's Testimony Period and Opposer's Rebuttal Period may come due sixty (60) days and forty-five (45) days thereafter, respectively.

The aforementioned stipulated suspension of time of testimony periods is believed necessary because Applicant believes it must receive information and documents from Opposer requested in its Motion to Compel to effectively question Opposer on cross-examination during Opposer's testimony period and to sufficiently prepare for its own testimony period. Furthermore, Opposer's Motion for Summary

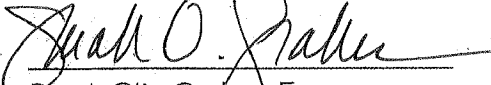
Judgment is a potentially dispositive motion, so Opposer believes the testimony periods should be suspended to avoid spending of time, resources, and costs of taking testimony if the Board may dispose of this proceeding. The parties realize that the Board may automatically suspend the proceeding pending this two motions, but to make the issue definitive, both parties agree to such a suspension.

The foregoing request is not being filed for the purpose of mere delay and will not prejudice either party.

Accordingly, the parties respectfully request that this suspension be granted.

Respectfully submitted,

Drafted By and Consented to By:

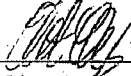

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Attorneys for Applicant
Nalge Nunc International Corporation

Dated: 4/12/06

Consented to By:


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Attorney for Opposer
TriForest Enterprises, Inc.

Dated: 4/10/2006

So ordered this _____ day of _____, 2006.

TRADEMARK TRIAL AND APPEAL BOARD